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OFFICE OF PETITIONS

In re Application of
Cho, et al.
Application No. 10/727,702
Filed: December 4, 2003
Attorney Docket No. 6711.US.C1

ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.181, filed October 27, 2005, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to timely submit the issue fee and publication fee in reply to the September 27, 2004 Notice of Allowance and Fee(s) Due, which set a three month period for reply. Accordingly, the above-identified application became abandoned on December 28, 2004. A Notice of Abandonment was mailed on February 11, 2005.

With the instant filing, petitioners have provided adequate evidence to show that the delay in submitting the issue fee and publication fee was due to non-receipt. Practitioner has provided a copy of the electronic docketing records where the September 27, 2004 Notice of Allowance and Fee(s) Due would have been entered had it been received. Practitioner has referenced the electronic docketing record in a practitioner's statement. Practitioner states that a search of the file jacket and docket records was conducted and attests to the fact that the September 27, 2004 Notice of Allowance and Fee(s) Due was not received by practitioner. Therefore, the petition is granted.

Since petitioners have paid all required fees relating to issuance and provided a completed Part B - Fee(s) Transmittal, it is unnecessary to re-mail the September 27, 2004 Notice.

After the mailing of this decision, the application file will be forwarded to Publications Division for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "E. Shirene Willis". The signature is written in a cursive, flowing style.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy